

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CR2009-008222-001 DT

03/01/2012

JUDGE DOUGLAS L. RAYES

CLERK OF THE COURT  
H. O'Shaughnessy  
Deputy

STATE OF ARIZONA

TREENA JEANELLE KAY

v.

MIGUEL ANGEL SANCHEZ (001)

JOEY N HAMBY  
ROBYN GREENBERG VARCOE

DOB: February 20, 1985

APO-SENTENCE IMPRISON-CCC  
APPEALS-CCC  
AZ DOC  
AZ DOC - INMATE TRUST ACCOUNTS  
DISPOSITION CLERK-CSC  
RFR  
VICTIM SERVICES DIV-CA-CCC

SENTENCE OF IMPRISONMENT

10:27 a.m.

Courtroom SCT 5A

State's Attorney:	Treena Kay
Defendant's Attorney:	Joey Hamby and Robyn Varcoe
Defendant:	Present

Court Reporter, Cindy Lineburg, is present.

A record of the proceeding is also made by audio and/or videotape.

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Kenneth Kapitz addresses the Court.

David Kapitz addresses the Court.

Kathy Topol addresses the Court.

Caroline Kapitz addresses the Court.

Count(s) 1 - 7: WAIVER OF TRIAL: The Defendant knowingly, intelligently and voluntarily waived all pertinent constitutional and appellate rights and entered a plea of guilty.

IT IS THE JUDGMENT of the Court Defendant is guilty of the following:

OFFENSE: Count 1 First Degree Murder  
Class 1 dangerous felony  
A.R.S. § 13-1101, 1105, 701, 702, 704, 751, 752, 801  
Date of Offense: October 23, 2009  
Dangerous pursuant to A.R.S. § 13-704 - Non Repetitive

OFFENSE: Count 2 Burglary in the First Degree  
Class 2 dangerous felony  
A.R.S. § 13-1501, 1508, 1507, 701, 702, 704, 801  
Date of Offense: October 23, 2009  
Dangerous pursuant to A.R.S. § 13-704 - Non Repetitive

OFFENSE: Count 3 Armed Robbery  
Class 2 dangerous felony  
A.R.S. § 13-1904, 1901, 1902, 701, 702, 704, 801  
Date of Offense: October 23, 2009  
Dangerous pursuant to A.R.S. § 13-704 - Non Repetitive

OFFENSE: Count 4 Kidnapping  
Class 2 dangerous felony  
A.R.S. § 13-1304, 1301, 701, 702, 704, 801  
Date of Offense: October 23, 2009  
Dangerous pursuant to A.R.S. § 13-704 - Non Repetitive

OFFENSE: Count 5 Arson of an Occupied Structure  
Class 2 dangerous felony  
A.R.S. § 13-1704, 1701, 701, 702, 704, 801

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Date of Offense:

Dangerous pursuant to A.R.S. § 13-704 - Non Repetitive

OFFENSE: Count 6 Theft of Means of Transportation

Class 3 felony

A.R.S. § 13-1801, 1814, 28-3304, 13-701, 702, 801

Date of Offense: on or between October 23, 2009 and November 2, 2009

Non Dangerous - Non Repetitive

OFFENSE: Count 7 Theft of Credit Card or Obtaining a Credit Card by Fraudulent  
Means

Class 5 felony

A.R.S. § 13-2102, 2101, 1902, 1804, 701, 702, 801

Date of Offense: on or between October 23, 2009 and November 2, 2009

Non Dangerous - Non Repetitive

AS PUNISHMENT, IT IS ORDERED Defendant is sentenced to a term of imprisonment  
and is committed to the Arizona Department of Corrections as follows:

Count 1: NATURAL LIFE WITHOUT THE POSSIBILITY OF PAROLE from March  
1, 2012

Presentence Incarceration Credit: ZERO day(s)

Sentence is concurrent with Counts 2, 3, 4, 5, 6 and 7.

Count 2: 15 year(s) from March 1, 2012

Presentence Incarceration Credit: ZERO day(s)

More Than Presumptive

Sentence is concurrent with Counts 1, 3, 4, 5, 6 and 7.

Count 3: 15 year(s) from March 1, 2012

Presentence Incarceration Credit: ZERO day(s)

More Than Presumptive

Sentence is concurrent with Counts 1, 2, 4, 5, 6 and 7.

Count 4: 15 year(s) from March 1, 2012

Presentence Incarceration Credit: ZERO day(s)

More Than Presumptive

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Sentence is concurrent with Counts 1, 2, 3, 5, 6 and 7.

Count 5: 15 year(s) from March 1, 2012  
Presentence Incarceration Credit: ZERO day(s)

More Than Presumptive  
Sentence is concurrent with Counts 1, 2, 3, 4, 6 and 7.

Count 6: 3.5 year(s) from March 1, 2012  
Presentence Incarceration Credit: ZERO day(s)  
Presumptive  
Sentence is concurrent with Counts 1, 2, 3, 4, 5 and 7.

Count 7: 1.5 year(s) from March 1, 2012  
Presentence Incarceration Credit: ZERO year(s)  
Presumptive  
Sentence is concurrent with Counts 1, 2, 3, 4, 5 and 6.

IT IS ORDERED the Defendant shall pay through the Clerk of the Superior Court:

RESTITUTION: Count 1 - \$32326.77 to the following victim(s) in the following amounts:

Kenneth and Caroline Kapitz (Individual) \$27326.77

Maricopa County Victim's Compensation Fund (Business) \$5000.00

No restitution ledger provided.

Restitution shall be paid monthly in an amount to be determined by the Arizona Department of Corrections in compliance with A.R.S. § 31-230.

The Arizona Department of Corrections shall notify the Clerk of the Court of Maricopa County of Defendant's release from custody via e-mail cforesponse@mail.maricopa.gov. The Clerk of the Court, upon said notification, shall furnish financial information for a Criminal Restitution Order for Judicial signature for any unpaid monies to date.

Additional Monetary Information: A Restitution Ledger Request created and issued this date.

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Additional Monetary Information: The Court orders that restitution will be paid to the victim's family first and Maricopa County Victim's Compensation Fund second.

Community Supervision: Count (s) 2, 3, 4, 5, 6 and 7 - Imposed pursuant to A.R.S. § 13-603(I).

IT IS FURTHER ORDERED that Defendant must submit to DNA testing for law enforcement identification purposes and pay the applicable fee for the cost of that testing in accordance with A.R.S. § 13-610.

IT IS ORDERED granting the Motion To Dismiss the following: the State will dismiss the allegation of the Death Penalty.

IT IS ORDERED authorizing the Sheriff of Maricopa County to deliver the Defendant to the Arizona Department of Corrections to carry out the term of imprisonment set forth herein.

IT IS ORDERED the Clerk of the Superior Court remit to the Arizona Department of Corrections a copy of this Order or the Order of Confinement together with the most recent presentence report and/or probation violation report in this cause relating to the Defendant.

Defendant has waived the preparation of a presentence report.

12:07 p.m. Matter concludes.

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>. Attorneys are encouraged to review Supreme Court Administrative Order 2011-140 to determine their mandatory participation in eFiling through AZTurboCourt.

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Defendant's right index fingerprint is permanently affixed to this sentencing order in open court.

/s/ JUDGE DOUGLAS L. RAYES  
JUDGE OF THE SUPERIOR COURT

(right index fingerprint)